

1 CHRISTOPHER C. COOKE, ESQ. (#142342)  
STEPHEN S. WU, ESQ. (#205091)  
2 COOKE KOBRICK & WU LLP  
177 Bovet Road, Suite 600  
3 San Mateo, CA 94402  
4 Telephone: (650) 638-2370  
Facsimile: (650) 341-1395  
5 Attorneys for Plaintiff  
6 VIOLETTA ETTARE

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 VIOLETTA ETTARE,

12 Plaintiff,

13 v.

14 JOSEPH E. BARATTA, an individual, TBIG  
15 FINANCIAL SERVICES, INC., form of  
business unknown, WACHOVIA  
16 SECURITIES, LLC, a Delaware Limited  
Liability Company, MARK WIELAND, an  
17 individual, and DOES 1-25,

18 Defendants.  
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CASE NO.: 5:07-CV-04429-JW (PVT)

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING ON  
DEFENDANTS' MOTION TO  
COMPEL ARBITRATION AND STAY  
PROCEEDINGS AND CASE  
MANAGEMENT CONFERENCE**

20 WHEREAS, defendants Wachovia Securities LLC, Mark Wieland, Joseph E. Baratta  
21 and TBIG Financial Services Inc. have filed motions to compel arbitration on March 6, 2008, that  
22 the Court has set for a hearing on Monday, May 5, 2008;

23 WHEREAS, the Court has also scheduled the parties' case management conference  
24 for Monday, May 5, 2008.

25 WHEREAS plaintiff Violetta Ettare, through her counsel, indicated to defendants  
26 before they filed their motion to compel arbitration that plaintiff had concerns about the authenticity  
27 and genuineness of the account documentation containing the arbitration agreement and plaintiff  
28 had requested that defendants provide the originals of all such documentation to her counsel for

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STIP RE AND PROPOSED ORDER RE HRG MOT TO COMPEL ARB/CASE NO. 5:07-CV-04429-JW (PVT)

1 inspection and review;

2 WHEREAS defendants Wachovia Securities LLC and Wieland recently located the  
3 originals of some of the documents requested by plaintiff and have agreed to make such original  
4 documents available for inspection by plaintiff and her forensic documents examiner, at Wachovia  
5 Securities LLC's counsel's offices in San Francisco, California on April 22, 2008;

6 WHEREAS, plaintiff has requested, and defendants have agreed, to postpone the  
7 hearing, presently set for May 5, 2008, on defendants' motion to compel arbitration, the deadline  
8 for plaintiff's opposition to that motion and the deadline for defendants' reply to that motion, so  
9 that plaintiff's counsel can inspect the original documentation located by defendants;

10 WHEREAS, the parties agree that the motion to compel arbitration and the parties'  
11 case management conference should therefore be continued to Monday, June 16, 2008 at 9:00 a.m.

12 NOW, THEREFORE, THE PARTIES, THROUGH THEIR UNDERSIGNED  
13 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

14 1. The Hearing on defendants' motion to compel arbitration and stay  
15 proceedings and the parties' Case Management Conference shall be changed from Monday, May  
16 5, 2008 at 9:00 a.m. to Monday, June 16, 2008 at 9:00 a.m.;

17 2. The parties' opposition and reply briefs shall now be due in accordance with  
18 the new June 16, 2008 hearing date and the Court's local rules.

19 SO STIPULATED.

20 Date: April 9, 2008

COOKE KOBRIK & WU LLP

21  
22 BY: 

23 CHRISTOPHER COOKE  
24 Attorneys for Plaintiff  
25 VIOLETTA ETTARE  
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27  
28

1 Date: April \_\_\_\_\_, 2008

KEESAL YOUNG & LOGAN, PC

2

3

BY: \_\_\_\_\_

4

TERRY ROSS

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AUDETTE PAUL MORALES

6

Attorneys for Defendants

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WACHOVIA SECURITIES LLC and

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MARK WIELAND

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Date: April 09, 2008

HOWARD RICE NEMEROVSKI CANADY  
FALK & RABIN, PC

10

BY: \_\_\_\_\_

11

  
GILBERT R. SEROTA

12

DIANA C. CAMPBELL MILLER

13

Attorneys for Defendants

14

JOSEPH E. BARATTA and

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TBIG FINANCIAL SERVICES INC.

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**[PROPOSED] ORDER**

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Based upon the parties' Stipulation, IT IS SO ORDERED.

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Date: April \_\_\_\_\_, 2008

BY: \_\_\_\_\_

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The Hon. James Ware

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UNITED STATES DISTRICT JUDGE

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1 Date: April \_\_\_\_, 2008

KEESAL YOUNG & LOGAN, PC

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3

BY:

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TERRY ROSS  
AUDETTE PAUL MORALES  
Attorneys for Defendants  
WACHOVIA SECURITIES LLC and  
MARK WIELAND

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Date: April 09, 2008

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FALK & RABIN, PC

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BY:

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GILBERT R. SEROTA  
DIANA C. CAMPBELL MILLER  
Attorneys for Defendants  
JOSEPH E. BARATTA and  
TBIG FINANCIAL SERVICES INC.

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**[PROPOSED] ORDER**

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Based upon the parties' Stipulation, IT IS SO ORDERED.

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Date: April \_\_\_\_, 2008

BY:

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The Hon. James Ware  
UNITED STATES DISTRICT JUDGE

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